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November 18, 2016

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The Honorable Vincent L. Briccetti
United States District Judge
United States District Court
Southern District of New York
300 Quarropas Street, Room 630
White Plains, NY 10601

Re: *Narrative Ark Entertainment LLC v. Archie Comic Publications, Inc., et al.*
Case No. 7:16-cv-06109-VB

Dear Judge Briccetti:

Pursuant to Section 6 of the Electronic Case Filing Rules & Instructions for the Southern District of New York, and consistent with this Court's statement of Individual Practices, Defendant Sega of America, Inc. ("**Sega**") respectfully requests that this Court grant Sega leave to file under seal certain documents that contain confidential information.

Sega will soon file a dispositive motion asserting, among other things, that Plaintiff Narrative Ark Entertainment, LLC ("**Narrative Ark**") has failed to establish any basis for the exercise of personal jurisdiction over Sega in this action. As is evident from Narrative Ark's complaint, the licensing relationship between Archie Comic Publications, Inc. ("**Archie**") and Narrative Ark is central to Narrative Ark's claims against Sega. *See generally* Dkt. No. 38. Therefore, in connection with its dispositive motion, Sega seeks to submit an agreement between Archie and Sega that outlines terms of the relationship between Sega and Archie during the time period that Scott D. Fulop, Narrative Ark's principal, allegedly created the works that Narrative Ark now asserts in this case. Sega also intends to discuss elements of this agreement in its brief and in a supporting declaration from Sega personnel. This agreement should assist the Court and the parties in its evaluation of Narrative Ark's claims and Sega's forthcoming dispositive motion.

The agreement contains sensitive and confidential information about the nature of the relationship between Sega and Archie. It also contains commercially sensitive deal terms that could cause harm to Sega and Archie, and their respective abilities to negotiate with prospective business partners, if the agreement were disclosed on public docket.

Accordingly, Sega respectfully requests that this Court grant Sega leave to file this agreement, and confidential versions of the brief and declaration that discuss its terms, under seal. Specifically, Sega asks this Court's permission to submit PDF versions of the agreement, the confidential brief in support of Sega's motion, and the confidential declaration in support of

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Sega's motion by email, consistent with the procedures with respect to letters containing confidential information under Section 1(A) of this Court's statement of Individual Practices. Sega will file versions of the brief and declaration in support of its dispositive motion with modest redactions on the public docket. If the Court seeks an alternate procedure for Sega to submit these materials under seal, please advise Sega of what procedures the Court prefers for the submission of these materials.

Sincerely,

FENWICK & WEST LLP

/s/ Rodger R. Cole

Rodger R. Cole

cc: All counsel of record via ECF